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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
10/789,749	02/27/2004	Yoshiharu Tajima	FUJX 20.963	9601
26304 7590 07/18/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,749

Applicant(s)

TAJIMA, YOSHIHARU

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the Amendment - After Non-Final Rejection filed on 04/30/2007.

Accordingly, Claims 1-10 is cancelled, thus, Claims 11-16 is imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dolan [US 6628632] in view of **Yamashita et al.** [US 6108547].

As per claim 11, Dolan teaches:

A radio communication method (Abstract) comprising the steps of:

Maintaining identification information allotted to a radio terminal for receiving data without renewing the identification information when the radio terminal moves from an area of a first radio base station to an area of a second radio base station, and transmitting data from the second radio base station by using the identification information; (e.g. In step 404, the primary controller supervises ordinary call processing routines as is known in the art. As a part of the call processing, the primary controller periodically measures the signal quality from the wireless terminal. If signal quality diminishes below a certain point, the call may be terminated or a handoff may be forced, as is known in the art; Col.7; 62-Col.8; 23) and

Dolan doesn't teach specifically, renewing the identification information when the radio terminal moves to an area of a third base station, and transmitting data from the third radio base station by using the renewed identification information. However, **Yamashita** teaches in an analogous art, that renewing the identification information when the radio terminal moves to an area of a third base station, and transmitting data from the third radio base station by using the renewed identification information. (e.g. handover based on diverse reception of signals; Col.5; 37-58, Col.4; 63-Col.5; 7).

As per claim 12, Dolan teaches:

The radio communication method according to claim 11, wherein said identification information is an IP address. (e.g. IP; Col.7; 48-55)

As per claims 13-14, Dolan teaches all the particulars of the claim except wherein said first radio base station sends primary information and said second radio base station sends secondary information, the primary information and the secondary information including same content information, and said radio terminal diversity-receives the primary information and the secondary information. However, **Yamashita** teaches in an analogous art, that the radio communication method according to claim 11, wherein said first radio base station sends primary information and said second radio base station sends secondary information, the primary information and the secondary information including same content information, and said radio terminal diversity-receives the primary information and the secondary information. (e.g. handover based on diverse reception of signals; Col.5; 37-58, Col.4; 63-Col.5; 7)

As per claims 15-16, Dolan teaches:

A radio system performing radio communication with a radio terminal that is in communication with a first radio base station (Abstract), comprising:

A second radio base station transmitting data by using identification information allotted to the radio terminal for receiving data from the first radio base station without renewing the identification information when the radio terminal moves from an area of the first radio base station to an area of the second radio base station; (e.g. In step 404, the primary controller supervises ordinary call processing routines as is known in the art. As a part of the call processing, the primary controller periodically measures the signal quality from the wireless terminal. If signal quality diminishes below

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a certain point, the call may be terminated or a handoff may be forced, as is known in the art; Col.7; 62-Col.8; 23) and

Dolan doesn't teach specifically, a third radio base station renewing the identification information when the radio terminal moves to an area of the third radio base station, and transmitting data by using the renewed identification information.

However, **Yamashita** teaches in an analogous art, that a third radio base station renewing the identification information when the radio terminal moves to an area of the third radio base station, and transmitting data by using the renewed identification information. (e.g. handover based on diverse reception of signals; Col.5; 37-58, Col.4; 63-Col.5; 7).

Response to Amendments & Arguments

IV. Applicant's arguments filed on 04/30/2007 have been fully considered but they are not persuasive.

Relating to Claim 11:

Since **DOLAN** teaches, "accept the call and base station 100 cannot hold the call, base station 100 must be able to choose a suitable base station to communicate with and handoff directly to that other base station, such as base station 102." (Dolan, title, Col.4; 54-60), which *corresponds* to the claimed limitation as "without renewing the identification information when the radio terminal moves from an area of a first radio base station." Thus, handoff directly to that other base station, (Dolan, title, Col.4; 54-60), is exactly as applicant is rely upon, (Applicant's Specification (filed on 02/27/2004),

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Page.13; 7-15), that certainly, edify by **DOLAN**. Hence, it is believed that ***DOLAN still teaches the claimed limitations.***

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

V. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

/Sharad Rampuria/
Patent Examiner
Art Unit 2617


GEORGE ENG
SUPERVISORY PATENT EXAMINER